

3. Remarks

Applicants acknowledge that claims 15, 16, 23-25, 29-32 and 36 are pending in the application with claims 15 and 29 being in independent form. Claims 15 and 29 are presently amended. Support for the amendments may be found, for example, at page 10, lines 12 to 21.

A. §102(e)

Claims 15, 16, 23-25, 29-32 and 36 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Galy et al.* (USPN 6,015,554). Applicants have amended claims 15 and 29 to specify that flt3-ligand is the only colony stimulating factor or cytokine used in the method. Therefore, dependent claims 16 and 31 (respectively), which further include GM-CSF, are limited to a method that only uses flt3-ligand and GM-CSF. As a result, the presently amended claims are not anticipated by *Galy et al.* and the rejection may be properly removed.

B. §103(a)

Claims 15, 16, 23-25, 29-32 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Galy et al.* (USPN 6,015,554) in view of *Steinman et al.* (USPN 5,994,126). As described above, Applicants have amended claims 15 and 29 to specify that flt3-ligand is the only colony stimulating factor or cytokine used in the method.

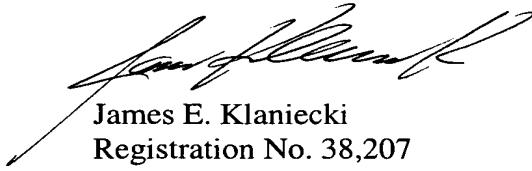
Neither *Galy et al.* or *Steinman et al.* teach or suggest the use of flt3-ligand as the exclusive growth factor or cytokine in the claimed method, nor do they teach or suggest the exclusive combination of flt3-ligand and GM-CSF. As such, the combination of *Galy et al.* and *Steinman et al.* does render the amended claims obvious and the rejection under 35 U.S.C. §103(a) may be properly removed.

Claims 15, 16, 23-25, 29-32 and 36 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Steinman et al.* (USPN 5,994,126) in view of *Lyman et al.* (USPN 5,554,512) in view of *Inaba et al.* (PNAS 90: 3038-3042, 1993). In light of the amendments, Applicants respectfully submit that the disclosure of *Steinman et al.* in view of *Lyman et al.* in view of *Inaba et al.* does render the present claims obvious under 35 U.S.C. §103(a) and therefore the rejection may be properly removed.

Appl. No. 09/699,923
Request for Continued Exam.
Resp. to OA of March 17, 2003

Applicants respectfully request reconsideration of the pending claims in light of the amendments and arguments presented above. If the Examiner believes that any issues could be resolved, or if the prosecution of the application could be expedited, by a telephone conference, Applicants invite the Examiner to telephone the undersigned at telephone number (206) 265-4145.

Respectfully submitted,



James E. Klaniecki
Registration No. 38,207

Immunex Corporation
Law Department
51 University Street
Seattle, WA 98101
Telephone: (206) 265-4145
Facsimile: (206) 233-0644